IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 9421 of 2003

Between:

1. Gunapati Sudhakar Reddy, S/o Krishna Reddy,

R/o Indupuru village, Alluru Mandal, Nellore District.

2. Gunapati Rjamma, W/o Krishnam Reddy,

R/o Indupuru village, Alluru Mandal, Nellore District.

..... PETITIONERS

AND

1. The District Collector, Chairman District Level Committee,

Acqua Culture, Nellore, Nellore District.

2. The Mandal Revenue Officer, Vidavaluru Mandal, Nellore District.

3. Environmental Engineer, Pollution Control Board, Dargamitta,

Nellore, Nellore District.

4. Vakkalagadda Hariprasad, S/o Venkata Seshaiah,

R/o Indupuru village, Alluru Mandal, Nellore, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or direction declaring the action of the respondents 1 to 3 in not taking action against the 4th respondent and not preventing him from converting the agricultural land in S.Nos.777-1, 778, 779 and 751 of Purini village, Alluru Mandal, Nellore District into acqua ponds as illegal and arbitrary and consequently direct the respondents 1 to 3 to take action against the 4th respondent and restrain him from converting the agricultural land into acqua ponds as per the directions of the Hon'ble Supreme Court in S.Jaganath vs Union of India reported in AIR 1997 SC 811.

Counsel for the Petitioner:MR.P.GANGA RAMI REDDY

Counsel for respondents 1 and 2: The G.P. for Revenu8e

Counsel for respondent No.3: Mr.S.V.Bhatt.

Counsel for the Respondent No.4: MR.M.RAVINDRANATH REDDY

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Though Rule was issued, no counter affidavit has been filed by the respondents in this writ petition.

The grievance of the petitioners is against respondent No. 4, who is alleged to have started prawn culture in his fields, which is causing damage to the petitioners' adjoining property. As a matter of fact, in such like petition, the only direction which can be issued would be to direct respondents 1 and 2 to ensure that no prawn or acqua culture is permitted to be taken place whether it be by respondent No. 4 or by anybody else without due permission having been obtained before undertaking acqua culture. In case it is noticed that respondent No. 4 has not obtained any consent from the competent authority, respondents 1 and 2 will take immediate action to ensure that acqua culture is stopped and appropriate action is taken against the offending party. In case permission has already been obtained and the petitioners feel aggrieved, it will be for the petitioners to seek appropriate relief for redressal of their grievance claiming damages from respondent No. 4 by taking out appropriate proceedings in accordance with law in a civil court.

Respondents 1 and 2 to ensure due compliance with the orders of this court within two months from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of.

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DEVINDER GUPTA, CJ

22-7-2004

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C.V.RAMULU, J

Tvr

To

1. The District Collector, Chairman District Level Committee,

Acqua Culture, Nellore, Nellore District.

2. The Mandal Revenue Officer, Vidavaluru Mandal, Nellore District.

3. Environmental Engineer, Pollution Control Board, Dargamitta,

Nellore, Nellore District.

4. 2 CCs to the Govt. Pleader for Revenue, High Court Buildings,

Hyderabad (OUT).

5. 2 CD copies.